

DECLARATION, POWER OF ATTORNEY AND PETITION

I, Michael H. Myers, declare: that I am a citizen of the United States of America; that my residence and post office address is 12947 Creek Park Drive, Poway, California 92064; that I verily believe I am the original, first, and co-inventors of the subject matter of the invention or discovery entitled CODE-DIVISION, MINIMUM-SHIFT-KEYING OPTICAL MULTIPLEXING, for which a patent is sought and which is described and claimed in the specification attached hereto; that I have reviewed and understand the contents of the above-identified specification, including the claims; and that I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Section 1.56 of Title 37 of the Code of Federal Regulations.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

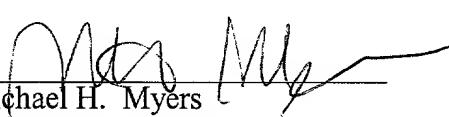
I hereby appoint as my attorneys A. John Pate, Gary D.E. Pierce and Hal D. Baird, Registration Nos. 36,234, 38,019 and 42,284, respectively, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

All correspondence and telephonic communications should be directed to:

Hal D. Baird
PATE PIERCE & BAIRD
Bank One Tower
50 West Broadway, Suite 900
Salt Lake City, Utah 84101

Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at San Diego, California, this 13 day of July, 2001.

Inventor 
Michael H. Myers
12947 Creek Park Drive
Poway, California 92064